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Letter from the Secretary of War, transmitting letter of Colonel John Gibbon, U. S. A., relating to compensation of citizen volunteers who participated in the battle of Big Hole, Montana.

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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

Letter of Colonel John Gibbon, U. S. A., relating to compensation of citizen volunteers who participated in the battle of Big Hole, Montana.

DECEMBER 4, 1879.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT, December 2, 1879.

The Secretary of War has the honor to transmit to the United States Senate letter from Colonel John Gibbon, Seventh Infantry, dated April 16, 1879, calling attention to the fact that the citizen volunteers who participated in the battle of Big Hole, Montana, have not yet been remunerated for their services, and that no provision has been made to pension the wounded, or widows and children of those killed; and in this connection to invite attention to letter from this department dated March 7, 1878 (copy herewith), to Hon. George E. Spencer, then chairman of the Senate Committee on Military Affairs, and to Senate Report 497, Forty-fifth Congress, second session, and Senate Report 646, Forty-fifth Congress, third session.

GEO. W. McCRARY,
Secretary of War.

THE PRESIDENT OF THE UNITED STATES SENATE.

SAINT PAUL, MINN.,
April 16, 1879.

SIR: I have the honor to request that the department commander will invite the attention of the honorable Secretary of War to the fact that the citizen volunteers who participated in the battle of Big Hole, M. T., have never yet been remunerated for their services, and that no provision has been made to pension the wounded, or the widows and children of those killed in that battle; and I respectfully request that Congress be urged to pass a bill covering these points, which has been twice passed by the House of Representatives, and failed in the Senate, as I am informed, for the want of time.

I am, sir, very respectfully, your obedient servant,

JOHN GIBBON,
Colonel 7th Infantry.

To Maj. GEO. D. RUGGLES,
Asst. Adjutant-General, Department of Dakota.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Saint Paul, Minn., April 17, 1879.

Respectfully forwarded to the headquarters of the Military Division of the Missouri.

The volunteers who participated in the action of Big Hole Pass were most deserving men, and I earnestly hope that Congress will take action upon their claims.

ALFRED H. TERRY,
Brigadier-General Commanding

[Second indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, April 19, 1879.

Respectfully forwarded to the Adjutant-General of the Army.

WM. D. WHIPPLE,
Assistant Adjutant-General, in the absence of the Lieutenant-General.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, April 24, 1879.

Respectfully submitted to the Secretary of War. Bills for the relief of citizens of Montana who served with the United States troops in the Nez Percé campaign (H. R. 2443 and S. 758) were pending in the Forty-fifth Congress.

The House bill passed that body, and the concurrence of the Senate therein was recommended by the Senate Military Committee (*vide* Senate Report 646, Forty-fifth Congress, third session), but Congress adjourned without final action.

In this connection attention is invited to War Department letter of March 7, 1878, to Hon. George E. Spencer, then chairman of the Senate Military Committee, communicating my views as to the propriety of the passage of an act for the relief of the parties herein referred to by Colonel Gibbon (*vide* Senate Report 497, Forty-fifth Congress, second session), and War Department letter of June 8, 1878, to Hon. Mr. Spencer, in which the Secretary expresses concurrence in my views.

W. T. SHERMAN,
General.

WAR DEPARTMENT,
Washington City, March 7, 1878.

SIR: In reply to your letter of the 26th ultimo, asking to be informed as to the propriety of Senate bill 758 "For the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and the relief of the heirs of such as were killed in such service," I have the honor to subjoin hereto the views of the General of the Army on said bill, viz:

"The danger in Montana was imminent. No law warranted the calling out of volunteers; but if the Government of the United States is expected to protect citizens in the possession of their property against

hostile Indians, the obligation is none the less strong because unauthorized. I heartily approve the measures of the inclosed Senate bill No. 758."

Very respectfully, your obedient servant,

GEO. W. McCRARY,
Secretary of War.

Hon. GEORGE E. SPENCER,
Chairman Committee on Military Affairs United, States Senate.

Senate Report No. 497, Forty-fifth Congress, second session.

Mr. SPENCER, from the Committee on Military Affairs, submitted the following report:
(to accompany bill S. 758.)

The Committee on Military Affairs, to whom was referred the bill (S. 758) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service, have had the same under consideration, and submit the following report:

This bill is to place certain volunteer citizens of Montana Territory who served with the United States troops in the war with the Nez Percé Indians on the same footing as if they had been regularly mustered into the service, and to have such rights accrue to the heirs of those citizens who were killed in action.

The Secretary of War, upon being addressed for information, replies as follows, expressing the views of the General of the Army:

"WAR DEPARTMENT,
"Washington City, March 7, 1878.

"SIR: In reply to your letter of the 26th ultimo, asking to be informed as to the propriety of Senate bill 758, 'for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service,' I have the honor to subjoin hereto the views of the General of the Army on said bill, viz:

"The danger in Montana was imminent. No law warranted the calling out of volunteers; but if the Government of the United States is expected to protect citizens in the possession of their property against hostile Indians, the obligation is none the less strong because unauthorized. I heartily approve the measures of the inclosed Senate bill No. 758."

"Very respectfully, your obedient servant,

"GEO. W. McCRARY,
"Secretary of War.

"Hon. GEORGE E. SPENCER,
"Chairman Committee on Military Affairs, United States Senate."

The Secretary of War, by letter of subsequent date to his first communication, transmits the following from Col. John Gibbon, commanding the Military District of Montana, giving the names of the citizens who served in the said war, specifying those who were killed and wounded, and expressing the hope that some provision may be made for them:

"WAR DEPARTMENT,
"Washington City, March 15, 1878.

"SIR: In connection with my letter of the 7th instant, giving the views of the General of the Army on Senate bill 758, 'for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of such as were killed in such service,' I have the honor to inclose copy of a letter from Col. John Gibbon, commanding District of Montana, dated September 5, 1877, giving the names of the citizen volunteers who accompanied him in the expedition against the Nez Percé Indians.

"Very respectfully, your obedient servant,

"GEO. W. McCRARY,
"Secretary of War.

"Hon. GEO. E. SPENCER,
"Chairman Committee on Military Affairs, United States Senate."

"HEADQUARTERS DISTRICT OF MONTANA,

"Fort Shaw, Mont. Terr., September 5, 1877.

"To ADJUTANT GENERAL, U. S. A.,

"(Through Headquarters Department of Dakota),

"Washington, D. C.:

"SIR: I have the honor to report that the following-named citizens of Montana Territory accompanied me as volunteers in the late expedition against the Nez Percé Indians; most of them were in the battle on the 9th and remained faithfully with us till the last.

"Those who were killed and wounded are marked in the margin.

"I trust some provision may be made by law, by which these parties may be placed on the same footing in regard to pay, allowances, pension, &c., as is now provided for soldiers duly mustered into the service of the United States:

John Armstrong. (Killed.)

Jacob Baker. (Wounded.)

Anthony Chaffin.

Oscar Clark.

Samuel Dunham.

William Edwards.

Fred. Held.

Hubbard.

Otto Lifer. (Wounded.)

Amos Buck.

J. B. Catlin.

Samuel Chaffin.

I. W. Davis.

L. C. Elliott. (Killed.)

Charles Hart.

Joseph Hull.

Oscar Judd.

Myron Lockwood. (Wounded.)

Almond Lockwood. (Killed.)

David Morrow. (Killed.)

Squire Madding.

M. F. Sherrill.

Barnett Wilkinson.

Michael Wright.

Eugene Lent.

Campbell Mitchell. (Killed.)

William Ryan. (Wounded.)

Thomas Sherrill.

George Waide.

Jerry Wallace.

"Very respectfully, your obedient servant,

"JOHN GIBBON,

"Colonel Seventh Infantry, Commanding."

Your committee, in view of the favorable opinions expressed by the Secretary of War, the General of the Army, and Colonel Gibbon, recognize the equity and justice of affording a portion of the relief contemplated by the bill, and therefore recommend its passage, with amendments, as reported.

Senate Report No. 646, Forty-fifth Congress third session.

Mr. SPENCER, from the Committee on Military Affairs, submitted the following report (to accompany bill H. R. 2443):

The Committee on Military Affairs, to whom was referred the bill (H. R. 2443) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of heirs of such as were killed in said service, have had the same under consideration, and submit the following report:

A similar bill was considered by your committee at the second session of the present Congress, and reported therefrom favorably. (See S. 758; Report 497, 2d session 45th Congress.) The following is the report of the House Committee on Military Affairs:

[House Report No. 285, Forty-fifth Congress, second session.]

"Mr. DIBRELL, from the Committee on Military Affairs, submitted the following report (to accompany bill H. R. 2443):

"The Committee on Military Affairs, to whom was referred the bill H. R. 2443, respectfully report the same back, with the recommendation that the bill do pass.

"From the letter of Col. John Gibbon, of the Seventh Infantry, which is herewith filed and asked to be made a part of this report, it appears that in the expedition against the Nez Percé Indians, in August, 1877, thirty citizens of the Territory of Montana volunteered their services and served with the United States troops in that expedition; that five of the number were killed, four wounded, and twenty-one survived.

"Your committee think, under the circumstances, that the services of these men were invaluable to Colonel Gibbon and his command, and that the amount allowed them, of one dollar per day, would not reach the amount they would have received had they been regular soldiers, entitled to clothing and other allowances.

"Your committee unanimously recommend the passage of the bill."

Your committee therefore recommend concurrence of the Senate in the House act.